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Attorney for Plaintiffs-In-Intervention

**UNITED STATES DISTRICT COURT
FOR THE
NORTHERN MARIANA ISLANDS**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

**L & T INTERNATIONAL
CORPORATION, L&T GROUP OF
COMPANIES, LTD., TAN
HOLDINGS CORPORATION, TAN
HOLDINGS OVERSEAS
INCORPORATED, CONCORDE
GARMENT MANUFACTURING
CORPORATION, and DOES 1-5,
Inclusive,**

Defendants.

ABELLANOSA, JOANNA, ET AL.,

Plaintiffs-In-Intervention.

Case No. CV 07-0029

**NOTICE AND MOTION FOR
LEAVE TO INTERVENE/
DECLARATION IN SUPPORT**

Date: February 21, 2008;
Time: 9:00 a.m.;
Judge: Hon. Alex R. Munson

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on February 21, 2008 at 9:00 a.m., or as soon thereafter as counsel can be heard, in the District Court for the Northern Mariana Islands,

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1 Horiguchi Building, Garapan, Saipan, CNMI, Plaintiffs-in-Intervention, Abellanos et al.,^{1/}
 2 will move this Court for an Order permitting them to intervene in the above-entitled action.

3 This motion is based on the grounds that Plaintiffs-in-Intervention may intervene as
 4 a matter of right pursuant to Title VII of the Civil Rights Act of 1964, as amended, and Title
 5 I of the Civil Rights Act of 1991. This motion is also based on this notice, the pleadings,
 6 records and papers on file, testimony presented at hearing of the motion and the declarations
 7 in support, and is also brought pursuant to Fed . R. Civ. P., Rule 24.

8
 9 **MEMORANDUM OF POINTS AND AUTHORITIES**
IN SUPPORT OF MOTION TO INTERVENE

10 **Plaintiffs-Intervenors are Entitled to Intervene as of Right**
Pursuant to Federal Rules of Civil Procedure § 24(a).

11 Title VII of the Civil Rights Act of 1964 is a statute permitting Plaintiffs-in-
 12 Intervention to intervene in this action. It provides, in pertinent part, that the “person or
 13 persons aggrieved shall have the right to intervene in a civil action brought by the [EEOC].”
 14 42 U.S.C. § 2000e; *See EEOC v. Westinghouse Elec. Corp.*, 675 F.2d 164 (8th Cir. 1982).

15 Fed. R. Civ. P. 24(a)(1) provides that “[u]pon timely application, anyone shall be
 16 permitted to intervene in an action . . . when a statute of the United States confers an
 17 unconditional right to intervene . . .”

18 Intervention under Fed. R. Civ. P., Rule (24)(a)(1) is “absolute and unconditional.”
 19 *See Brotherhood of Railroad Trainmen v. Baltimore & O.R. Co. et al.*, 67 S.Ct. 1387, 1393

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 21
 22 ^{1/} A list of the names of the seventy-six (76) individual Plaintiffs-In-Intervention is
 23 attached as Appendix “A” hereto and hereby incorporated by this reference as though
 fully set forth herein.

(1947). Pursuant to Fed. R. Civ. P. 24(a)(1), the intervenor need not show a “sufficient” interest relating to the subject matter of the controversy, inadequacy of representation or that his or her interest may be impaired if not allowed to intervene. Ruiz v. Estelle, 161 F.3d 814, 828, (5th Cir. 1998).

In considering intervention, courts usually “construe[] [the Rule] broadly in favor of the proposed intervenors.” United States ex rel. McGough v. Covington Techs. Co., 967 F.2d 1391, 1394 (9th Cir. 1992). “ ‘A liberal policy in favor of intervention serves both efficient resolution of issues and broadened access to the courts. By allowing parties with a *practical* interest in the outcome of a particular case to intervene, we often prevent or simplify future litigation involving related issues; at the same time, we allow an additional interested party to express its views before the court.’ ” Forest Conservation Council v. U.S. Forest Serv., 66 F.3d 1489 n.8 (9th Cir. 1995) (quoting Greene v. United States, 996 F.2d 973, 980 (9th Cir. 1993) (Reinhardt, J., dissenting)).

**Alternatively, Plaintiffs-Intervenors may Intervene
Pursuant to Federal Rules of Civil Procedure § 24(b).**

Fed. R. Civ. P. (24)(b) provides an alternative basis for the Plaintiffs-Intervenors’ intervention in this action. It provides that permissive intervention may be granted “when an applicant’s claim or defense and the main action have a question of law or fact in common.” In determining a motion for permissive intervention, the primary consideration is “whether the intervention will unduly delay or prejudice the existing parties.” Commack Self-Service Kosher Meats v. Rubin, 170 F.R.D. 93, 100 (E.D.N.Y. 1996).

Proposed Plaintiffs-Intervenors noticed and filed their motion to intervene, together

1 with their memorandum of points and authorities, in a timely fashion. Timeliness is
2 determined when the prospective intervener “knew or should have known that any of its
3 rights would be directly affected by the litigation.” Roeder v. Islamic Republic of Iran, 333
4 F.3d 228, 233 (D.C. Cir. 2003), *cert. denied*, 542 U.S. 915 (2004).

5 In the instant case, Plaintiff EEOC filed its Complaint on September 12, 2007. This
6 motion is filed before commencement or completion of discovery and before any ruling on
7 dispositive motions. It is offered that at this stage of the case and proceedings, intervention
8 will not unduly delay nor prejudice adjudication of the rights of the original parties.

9 10 CONCLUSION

11 Based on the foregoing, Plaintiffs-in-Intervention respectfully request that the Court
12 grant their motion to intervene, amend the caption of this action to reflect such intervention,
13 permit service of the proposed Complaint-In-Intervention, and grant such other and further
14 relief as the Court may deem just, fair and equitable, in law or at equity.

15 Respectfully submitted, this 23rd day of January, 2008.

16
17 /s/ _____

18 **JOE HILL**

19 Attorney for Plaintiffs-In-Intervention
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CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2008, I filed and served copy of the Notice and Motion for Leave to Intervene and proposed Complaint-In-Intervention via e-filing/service on Defendants' counsels, Steven P. Pixley and Colin M. Thompson and on counsel for EEOC, Greg McClinton.

Yang, Li

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